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10/815,191	03/31/2004	Amit Bagga	633-024US	7508
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Avaya			GYORFI, THOMAS A	
DEMONT & BREYER, LLC			ART UNIT	
100 COMMONS WAY, STE 250			PAPER NUMBER	
HOLMDEL, NJ 07733			2435	
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			07/22/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

# Office Action Summary

**Application No.**

10/815,191

**Applicant(s)**

BAGGA ET AL.

**Examiner**

Thomas Gyorfi

**Art Unit**

2435

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 6/3/10 and 6/25/10

### **DETAILED ACTION**

1. Claims 1-17 and 19-27 remain for examination. The amendment filed 6/18/10 amended claims 1, 20, 21, and 27.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/10 has been entered.

### ***Response to Arguments***

3. Applicant's arguments filed 6/18/10 have been fully considered but they are not persuasive. Applicant primarily argues,

Eitel teaches an invention where the *cardinality of the full set of search results* is measured. In Eitel, a search agent is uploaded to a website and executed. The agent performs searches that result in the production of search reports. After a search is performed, the agent counts the number of records in the search report for that search.

[...]

The passage cited by the Office shows that Eitel is concerned with how many records are contained in a search report ("web pages retrieved by the Internet search", per claim 1). Claim 1, in contrast, is concerned with how many of the records in the search report ("web pages retrieved by the Internet search", per claim 1) meet a specific condition ("*contain both the proposed password and the other string*", per claim 1).

Examiner disagrees, and respectfully submits that Applicant has misinterpreted the Eitel reference to an absurdly literal degree, as one of ordinary skill in the art would

have good reason to expect that a search engine would, by design, produce results comprising the various search terms being queried. To the best of Examiner's understanding, Applicant appears to assume that there any search engine that would be employed by Eitel, Wong, or anyone else simply churns out thousands of hits without any analysis whatsoever of whether said hits have any relevance to the query initially provided by the user, and that Eitel in particular uses only the number of hits as the sole determinant of whether it found a valid result; however, it should be immediately obvious from the references alone that this is not the case. As one non-limiting example, the Eitel invention is perfectly capable of analyzing the results produced by the search engine to determine if it has truly found what the user was looking for; see the example provided on col. 5, lines 40-60 wherein the Eitel invention can further scrutinize search results for new home listings to include only results where the prices fall within the range desired by the user. However, Wong actually provides the more pertinent example, as the Wong invention - or at least, that aspect of the Wong invention specifically cited by the Examiner - is specifically intended to search for a user's password by examining search results related to other strings such as but not limited to said user's personal information to see if said user's password can be found within said search results. It should be noted that in the unmodified default operation of the Wong invention, Wong does not actually know in advance what the password is that it should be looking for; the passwords that it is trying to guess are stored only in encrypted fashion (Wong, paragraph 0104), in accordance with techniques that are well known amongst those of ordinary skill in the art. So, when the search engine returns its

results to the Wong invention, the Wong invention must examine each of the results returned to identify any other strings within said results that might be the user's password. In fact, it should be readily evident that the problem solved by this aspect of Wong is, if anything, a more difficult problem to solve than that accomplished by either the instant invention or P-Synch, as the latter two inventions have the added benefit of knowing in advance what the user's password would be prior to the step of determining if the password is a sufficiently strong password in accordance with the general knowledge of the art (e.g. see the rules for a strong password described in the previously cited SecurityStats.com reference). Thus, in view of the above, Examiner maintains that prior art, in searching for a person's password via a search engine, evaluates both the quantity and quality of the results for making its determination, rather than just the quantity as alleged by Applicant.

Regarding the new limitation of claim 20, although the Examiner disagrees that the new limitation excludes consideration of the format of numbers as alleged by the Applicant, nevertheless Examiner observes that the techniques employed by Wong can discern the significance of a particular number, such as identifying that the number "010103" is actually used as a birthdate of a user, even in the absence of contextual clues from the formatting of said number (Wong, paragraph 0109).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-16 and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over "P-Synch Installation and Configuration Guide" (hereinafter, "P-Synch") in view of Wong (U.S. Patent Application Publication 2005/0102534) in view of Eitel (U.S. Patent 7,043,521).

Regarding claims 1, 21, and 27:

P-Synch discloses a method, apparatus, and article of manufacture for evaluating a password proposed by a user, comprising: receiving a proposed password from a user (page 4, "3. Users select a new password..."); and rejecting the proposed password based on a rule for the selection of passwords (page 4, "4. P-Synch checks the new password..."; cf. pages 124-126 for sample rules).

P-Synch does not explicitly disclose performing an Internet search using a query containing one or more keywords derived from said proposed password, and rejecting the password based on the results returned by said search engine. However, it is observed that P-synch, while already possessing a defined set of rules to measure a proposed password's strength, can nevertheless be extended by allowing an admin to add new rules via a plug-in (page 127, section 10.19.1 "Adding new rules with a plug-in program"). In that vein, Wong discloses a related security auditing tool including *inter alia* functionality to test passwords according to various security criteria, said functionality in turn including *inter alia* querying one or more Internet search engines to determine if a password can be correlated to a user according to any number of criteria (paragraphs 0108-0110 and 0127). It would have been obvious to one of ordinary skill

in the art to develop a plug-in for P-Synch that implements the above functionality disclosed by Wong's automated password cracker to determine if a proposed new password can be correlated to a user, as the technique is clearly within the capabilities of one of ordinary skill in the art.

Although Wong discloses wherein his search-engine-employing password searcher may be recursively iterated to continue churning up multiple hits that could inadvertently reveal a user's password (paragraph 0110), it is unclear if this step is taken only when the previous queries failed to find the password or whether the system is trying to confirm that it has found one's password by finding multiple pages containing it. Nevertheless, Eitel discloses a related technique to be employed during a search for arbitrary information on the Internet wherein the search will fail if, for example, the search comprised too few hits to satisfy a pre-established threshold (col. 6, line 46 – col. 7, line 3). It would have been obvious to one of ordinary skill in the art to set a minimum threshold for search hits for determining if the Wong plug-in has found one's password, as the technique is clearly within the capabilities of one of ordinary skill in the art, and one would have had a good reason to pursue the known options within one's grasp. If setting a minimum threshold for search hits would lead to anticipated success, it would be the product not of innovation but of ordinary skill and common sense.

Regarding claims 2, 3, and 22:

P-Synch further discloses wherein said one or more predefined correlation rules evaluate whether that said proposed password can be [qualitatively: the password is the

username; quantitatively: the password is similar to the username] correlated with said user (page 126, as indicated).

Regarding claims 4, 6, 23, and 24:

P-Synch in view of Wong further discloses wherein said proposed password is comprised of a proposed answer and a proposed hint (P-Synch: the user Q&A profiles on pages 83 and 199-200), and wherein the proposed answer can be correlated with/obtained from the proposed hint in a particular relation (Wong: pars. 0108-0110).

Regarding claim 5:

P-Synch further discloses wherein said particular relation is selected from the group consisting essentially of self, family member, co-author, teammate, colleague, neighbor, community member, or household member (pages 83, 199, & 200).

Regarding claims 7 and 25:

P-Synch further discloses wherein said proposed password is an identifying number (e.g. PIN number, e.g. page 6, "2.2.2 Authentication Systems").

Regarding claims 8 and 26:

P-Synch in view of Wong further discloses wherein the rule evaluates whether the identifying number identifies a person in a particular relationship to the user (P-



Synch: "Family member phone number that is not your own", pages 83 and 200; Wong: paragraph 0109).

Regarding claim 9:

P-Synch further discloses wherein said one or more pre-defined correlation rules evaluate whether said identifying number is a top N most commonly used identifying number (in the embodiment where the password is a PIN, the password history rules on pages 126 and 127).

Regarding claim 10:

P-Synch in view of Wong further discloses wherein the rule evaluates whether the identifying number identifies a top N commercial entity (P-Synch: "radio station dial number" at pages 83 and 200; Wong: paragraph 0109).

Regarding claim 11:

P-Synch in view of Wong further discloses wherein the rule evaluates whether the identifying number identifies the user (P-Synch: "Your SSN", Ibid; Wong: Ibid).

Regarding claims 12-14:

P-Synch further discloses wherein said identifying number is a portion of a telephone number, address, or social security number (pages 83 and 200).

Regarding claim 15:

P-Synch further discloses wherein said proposed password is a word (page 125, the dictionary rules).

Regarding claim 16:

P-Synch further discloses wherein said one or more predefined correlation rules evaluate whether a correlation between said word and said user exceeds a predefined threshold (e.g. the last two rules on page 125).

Regarding claim 19:

P-Synch further discloses wherein said step of ensuring a correlation further comprises the step of performing a local proximity evaluation (e.g. the last two rules on page 125, and the variants of the username on page 126).

Regarding claim 20:

P-Synch and Wong further disclose wherein said step of ensuring a correlation further comprises the step of performing a number classification (Psynch: the digits rules on page 125), wherein the number classification identifies usage of one or more numbers found in a web page (Wong, paragraph 0109).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over P-Synch in view of Wong in view of Eitel as applied to claim 1 above, and further in view of "About Metacrawler" (hereinafter, "Metacrawler").

Regarding claim 17:

Although Wong suggests searching a plurality of search engines (paragraph 0108), the references do not explicitly disclose using a meta-search engine. However, Metacrawler discloses a single meta-search engine capable of searching a plurality of search engines (Metacrawler, entire article, but particularly the first paragraph). It would have been obvious to one of ordinary skill in the art to substitute Metacrawler for the generic search engine(s) employed by the Wong invention/plugin, as doing so would lead to better results obtained significantly faster than by searching each engine separately (Metacrawler, "Better Search, Faster Results").

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: "Applied Cryptography, 2<sup>nd</sup> Edition" by Bruce Schneier confirms that passwords have been typically stored in encrypted [hashed] fashion on computers, in such a manner that even with access to the password store on a computer one would not be able to discern the actual passwords from the encrypted versions.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG  
7/16/10  
/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435